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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. MJ 13-252
11 Plaintiff,)
12 v.)
13 TYLER J. BRESNAHAN,)
14 Defendant.)
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14 Offense charged: Conspiracy to Possess with Intent to Distribute Oxycodone; Carrying a
15 Firearm During and In Relation to a Drug Trafficking Crime

16 Date of Detention Hearing: May 20, 2013.

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably
20 assure the appearance of defendant as required and the safety of other persons and the
21 community.

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01 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

02 1. Defendant has been charged with a drug offense, the maximum penalty of which
03 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to
04 both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

05 2. At the time of arrest, a loaded firearm with a round in the chamber was found in
06 defendant's waistband. This additional charge adds a potential penalty of a mandatory five
07 years in custody. The AUSA proffers that defendant made some attempt to flee at the time of
08 arrest.

09 3. Defendant was not fully forthcoming about his substance abuse history. He has
10 a history of mental health issues. His criminal history includes prior non-compliance with
11 supervision. Since becoming an adult, his criminal record includes a significant percentage of
12 time in custody.

13 4. Taken as a whole, the record does not effectively rebut the presumption that no
14 condition or combination of conditions will reasonably assure the appearance of the defendant
15 as required and the safety of the community.

16 It is therefore ORDERED:

- 17 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
18 General for confinement in a correction facility separate, to the extent practicable, from
19 persons awaiting or serving sentences or being held in custody pending appeal;
- 20 2. Defendant shall be afforded reasonable opportunity for private consultation with
21 counsel;
- 22 3. On order of the United States or on request of an attorney for the Government, the

01 person in charge of the corrections facility in which defendant is confined shall deliver
02 the defendant to a United States Marshal for the purpose of an appearance in connection
03 with a court proceeding; and

- 04 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
05 for the defendant, to the United States Marshal, and to the United State Pretrial Services
06 Officer.

07 DATED this 20th day of May, 2013.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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